

# Notice of Allowability

Application No.

10/618,261

Examiner

Yun H. Lee

Applicant(s)

LINCOLN ET AL.

Art Unit

3766

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone interview on 5/12/2006.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060512.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Suneel Arora on 5/12/2006.

The application has been amended as follows:

In claim 3 line 1, change "claim 1" to – claim 2 –.

In claim 4 line 1, change "claim 1" to – claim 2 –.

In claim 5 line 1, change "claim 1" to – claim 2 –.

In claim 7 line 1, change "claim 1" to – claim 2 –.

In claim 8 line 1, change "claim 1" to – claim 2 –.

In claim 9 line 1, change "claim 1" to – claim 2 –.

In claim 10 line 1, change "claim 1" to – claim 2 –.

In claim 11 line 1, change "claim 1" to – claim 2 –.

In claim 16 line 1, change "claim 1" to – claim 15 –.

In claim 32 line 1, change "claim 18" to – claim 31 –.

In claim 33 line 1, change "claim 1" to – claim 18 –.

In claim 47 line 1, change "claim 45" to – claim 46 –.

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2. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a processor circuit with executable instructions to determine whether a dissociated ventricular tachyarrhythmia exists using time intervals, in which each time interval is between a first time indicative of a ventricular depolarization and a second time indicative of a mitral valve closure. For example, Mai et al. (US Pat. No. 6,643,548) discloses a system comprising:

- a heart signal sensing circuit, comprising a depolarization detector circuit to detect first times indicative of ventricular depolarizations occurring during cardiac cycles;

- a mitral valve closure sensor circuit, to detect second times indicative of mitral valve closures;

- a timer circuit, coupled to the heart signal sensing circuit and to the mitral valve closure sensor circuit, to measure time intervals between one of the first times and one of the second times within the same cardiac cycle;

- a memory circuit, coupled to the timer circuit, the memory circuit configured to store the time intervals; and

- a processor circuit, coupled to or including the memory circuit.

However, Mai et al. uses the time intervals for trend analysis such as monitoring the progression or regression of congestive heart failure and does not teach of determining whether a dissociated ventricular tachyarrhythmia exists.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yun H. Lee whose telephone number is (571) 272-2847. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert Pezzuto  
Supervisory Patent Examiner  
Art Unit 3766